

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TYRONE BLOCKER,

Plaintiff,

v.

**BLACK ENTERTAINMENT TELEVISION,
LLC and AMAZON,**

Defendants.

No. 3:17-cv-01406-AC

OPINION AND ORDER

MOSMAN, J.,

On March 6, 2019, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R) [83], recommending that Defendants BET's and Amazon's Motions to Dismiss [61], [62] be granted, BET's Request for Judicial Notice [70] be GRANTED, and that Plaintiff's Amended Complaint [59] be dismissed with prejudice. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [83] in full. Defendants BET's and Amazon's Motions to Dismiss [61], [62] are GRANTED, BET's Request for Judicial Notice [70] is GRANTED, and Plaintiff's Amended Complaint [59] is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 28th day of March, 2019.

Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge